



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of.: | § | |
| | § | |
| Michal AMIT et al | § | |
| | § | |
| Serial No.: 10/581,455 | § | |
| | § | |
| Filed: June 1, 2006 | § | Group Art Unit: 1632 |
| | § | |
| For: METHODS OF GENERATING | § | |
| STEM CELLS AND | § | |
| EMBRYONIC BODIES | § | |
| CARRYING DISEASE- | § | |
| CAUSING MUTATIONS AND | § | |
| METHODS OF USING SAME | § | |
| FOR STUDYING GENETIC | § | |
| DISORDERS | § | |
| | § | |
| | § | Attorney Docket: 32059 |
| | § | |
| Examiner: TON, Thaian N | § | |

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131

We, Michal Amit and Joseph Itskovitz Eldor, are co-inventors of the above-identified application.

We have read the Office Action dated March 2, 2009 issued with respect to the above-identified application.

In the Office Action, the Examiner rejected claims 52, 55, 56, 58-60 under 35 U.S.C. 102(a) as being anticipated by Zwaka et al. (Nature Biotechnology, 21: 319-321, March 2003, Published online on February 10, 2003) or by PGPub US 2006/0128018 (Zwaka et al., Published June 15, 2006; filed February 6, 2004, earliest priority from February 7, 2003).

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Office Action Mailing Date: March 2, 2009

Examiner: Ton, Thaian N
Group Art Unit: 1632
Attorney Docket: 32059

We hereby declare that the aforementioned publications of Zwaka et al. 2003 (Nature Biotechnology) and Zwaka et al., US 2006/0128018 are not prior art to our invention, inasmuch as we, Michal Amit and Joseph Itskovitz Eldor, had actually reduced to practice, and thus made our invention, prior to February 7, 2003, the earliest priority date of US 2006/0128018.

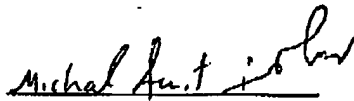
In evidence of such reduction to practice we attach herewith a copy of the *Amit et al.* (Chapter 7: Subcloning and Alternative Methods for the Derivation and Culture of Human Embryonic Stem Cells from Human Embryonic Stem Cells, Ed. A.Y. Chiu and M.S. Rao. January 1, 2003, pp. 127-144) publication, which describes Applicants own work (see attached declaration of Prof. Joseph Itskovitz Eldor under 1.132) having an earlier publication date of January 1, 2003, describing the successful reduction to practice of the claimed invention.

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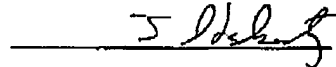
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We hereby declare that all the statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and the such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 1, 2009.



Dr. Michal Amit



Prof. Joseph Itskovitz Eldor

Enclosures:

Declaration under 1.132 by Joseph Itskovitz Eldor

Amit et al. 2003 (Chapter 7)